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15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 JACOB MANDEL, et al.,

Case No. 17-cv-3511-WHO

18 Plaintiffs,

PLAINTIFFS' RESPONSE TO
PROPOSED AMICUS "JEWISH
STUDIES SCHOLARS"
UNAUTHORIZED REPLY BRIEF
[ECF NOS. 149-50]

19 v.

20 BOARD OF TRUSTEES of the CALIFORNIA
21 STATE UNIVERSITY, et al.,

22 Defendants.

On June 8, 2018, David L. Mandel, counsel for proposed amicus “Jewish Studies Scholars,” filed a “Reply to Plaintiffs’ Opposition to Jewish Studies Scholars’ Motion for Leave to file Amicus Curiae Brief.” (ECF Nos. 149, 150 (Errata), the “Reply”).

Such a reply brief is not permitted. By operation of Civil Local Rule 7-11(c), “a Motion for Administrative relief is deemed submitted for immediate determination without hearing on the day after the opposition is due.” Plaintiffs’ Opposition was due and was filed on May 22, 2018 (ECF No. 140) and proposed Amici’s motion was thus deemed submitted for immediate determination on May 23, 2018. Thereafter, “[u]nless otherwise ordered” by the Court, no further submissions were appropriate, and no such order has been made. To the extent that “Jewish Studies Scholars” claim their motion is not governed by Local Rule 7-11, they have offered no explanation supporting that argument (either in their filings or in response to attempts to meet and confer). Further, their motion did not comply with the notice requirements of Civil Local Rule 7-2. *See, e.g.*, Civ. L.R. 7-2(b)(2) (requiring the noticed hearing date and time be included in the first paragraph of the motion).

Plaintiffs' counsel wrote to Mr. Mandel via email, on June 16, 2018, to inform him that his filing was improper and requesting that it be voluntarily withdrawn. Having received no response, Plaintiffs' counsel sent a second email on June 19, 2018, to follow up and inquire whether Mr. Mandel would withdraw the filing or had any other response. To date, Plaintiffs have received no response from Mr. Mandel or the "Jewish Studies Scholars" offering any basis for filing the Reply.

Plaintiffs request that the Court disregard “Jewish Studies Scholars”’ improper Reply in its entirety and deny “Jewish Studies Scholars” motion for leave to file an amicus brief (ECF No. 138). A proposed order to that effect is filed concurrently with this response.

Dated: July 2, 2018

WINSTON & STRAWN LLP

By: /s/ Seth Weisburst
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